

April 3, 1973

PRESIDENT: Any further discussion of the bill? Senator Carpenter.

SENATOR CARPENTER: I'd like to ask Senator Snyder a couple of questions.

SENATOR SNYDER: Yes.

SENATOR CARPENTER: In the first place, this section defining disability covers almost everything that it should. Now if you go to page 10, it says the definition for example, the application is reasonably. In other words, it says and the extent of a disability reasonably precludes the performance. Now who's going to determine the word reasonably?

PRESIDENT: Senator Snyder, do you care to respond?

SENATOR SNYDER: Senator Carpenter, I'm sorry, I'm hearing everybody but you but I think that your question was what is the term, or what do we mean by reasonably on line 5 of page 10?

SENATOR CARPENTER: No, who determines whether it's reasonable or not?

SENATOR SNYDER: The commission.

SENATOR CARPENTER: But, are the commission, are you going to be sited after you've turned this person down or what?

SENATOR SNYDER: Well, this would work the same as any other complaint. You'd have to go to the commission, file and then the commission would interject itself into this and determine whether or not there was a valid complaint.

SENATOR CARPENTER: Well, the point I'm concerned about, I speak now as an employer, I'm not confronted with this problem because I don't have people of this nature who make application to work for our business, but the definition of disability is almost all inclusive. It really doesn't except anything or anybody. Then it says it shall be an unlawful employment practice for an employer or an employment agency, labor organization or joint labor management committee to deny privileges of employment when the nature and the extent of a disability reasonably precludes the performance of the particular employment. Well, now you get into a difficulty. I would presume to some extent who's going to interpret from a reasonable standpoint, is the man or the woman employable. Now I only have this as a suggestion, I would call it to the attention of the body for their consideration. What I think we might consider doing is to strike the word "reasonably" out of there and let the employer determine whether or not the people in this condition are capable of being employed by him. In the event they feel they are in dis--regardless of what he has done as an employer, then they can appeal to the commission. I really don't think that the thing ought to be in the position it is now. I think it ought to be reversed, and I speak as I say from a standpoint of an employer.

SENATOR SNYDER: Well, the point made, Senator Carpenter, is certainly a valid point. I was trying to recall in our discussions if I could come up with an absolute answer for you. But I have noticed in checking back that there are other references to this term in the act as it's been written over the years and I'm sure that that is why we again included the phrase "reasonable".

SENATOR CARPENTER: The only reason I rise, Senator, I'm not confronted with the problem as an employer. I only bring it